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C O N F I D E N T I A L DAMASCUS 000439

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PARIS FOR WALLER, LONDON FOR TSOU

E.O. 12958: DECL: 05/10/2017

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SUBJECT: SYRIAN PRESIDENT DENIES PASSING ON SYRIA'S
RESERVATIONS TO TRIBUNAL, SAUDI FM TO DAMASCUS?

CLASSIFIED BY: CHARGE D'AFFAIRES MICHAEL H. CORBIN FOR REASONS
1.4 B/D

11. (C) SUMMARY: IN A MAY 10 SPEECH BEFORE PARLIAMENT,
SYRIAN PRESIDENT BASHAR AL-ASAD MADE A TORTURED DENIAL THAT
SYRIA HAD PROVIDE COMMENTARY TO ARABS (CLEARLY UNDERSTOOD TO
BE SAUDI ARABIA) ON SYRIA'S RESERVATIONS TO THE PROPOSED
HARIRI TRIBUNAL. BASHAR'S COMMENTS COME IN THE CONTEXT OF
RUMORS THAT SAUDI FM SAUD AL-FAISAL WILL BE COMING TO
DAMASCUS TO DISCUSS LEBANON. WE HAVE NO INDICATIONS THAT
MATTERS HAVE PROGRESSED ENOUGH FOR THE SAUDIS TO COME. END
SUMMARY.

12. (C) IN HIS MAY 10 SPEECH BEFORE THE NEWLY ELECTED
PARLIAMENT, SYRIAN PRESIDENT BASHAR AL-ASAD DENIED REPORTS
THAT HE HAD CONVEYED SYRIAN RESERVATIONS ABOUT THE PROPOSED
INTERNATIONAL TRIBUNAL TO ARAB OFFICIALS (CLEARLY REFERRING
TO ONGOING RUMORS THAT SYRIA HAS PASSED PROMISED COMMENTS TO
SAUDI ARABIA), INCLUDING DURING THE MAY 3-4 INTERNATIONAL
COMPACT WITH IRAQ MEETINGS IN SHARM EL-SHEIKH. ASAD NOTED,
HOWEVER, THAT "SOME ARAB PARTIES" HAD SENT DELEGATIONS TO
SYRIA WITH QUESTIONS ABOUT SYRIAN RESERVATIONS ON THE
TRIBUNAL AND THAT THE SYRIANS RESPONDED THAT THEY DID NOT
HAVE ANY. NONETHELESS, ASAD WENT ON TO SAY THAT LEGAL
EXPERTS IN SYRIA AND THE REGION HAD REVIEWED DRAFT
LEGISLATION CALLING FOR FORMATION OF THE TRIBUNAL AND
SUPPLIED SYRIA WITH LEGAL OBSERVATIONS. THE SARG IN TURN
PROVIDED THESE OBSERVATIONS TO ARAB PARTIES WHO ASKED ABOUT
THE TRIBUNAL, WITH THE CAVEAT THAT THEY DID NOT REPRESENT THE
SYRIAN POINT OF VIEW, ASAD STATED.

13. (C) THE PRESIDENT'S SOMEWHAT TORTURED PUBLIC REMARKS NEED
TO BE CONSIDERED IN LIGHT OF RECENT COMMENTS TO THE ACTING
DCM BY SYRIAN POLITICAL ANALYST SAMIR AL-TAKI WHO IS CLOSE TO
THE REGIME. AL-TAKI ASSERTED THAT THE SYRIANS HAD GIVEN THE
SAUDIS THEIR RESERVATIONS ON THE TRIBUNAL DRAFT, WHICH
INCLUDE CONCERN ABOUT:

--LANGUAGE HOLDING SUPERIORS RESPONSIBLE FOR ACTS OF
SUBORDINATES; AND

-- THE POWER OF THE TRIBUNAL TO RE-OPEN AND CONTINUE (AND
DISREGARD) PORTIONS OF PREVIOUS LINES OF INVESTIGATION. THE
SYRIANS ARE AFRAID OF AMBIGUOUS LANGUAGE THAT MIGHT ALLOW
THIS, WHICH COULD IN THEIR VIEW LEAVE THE PROSPECT OF A
TRIBUNAL HANGING OVER THEIR HEADS FOR YEARS, AS A
NEVER-ENDING INVESTIGATION MEANDERS ON.

ACCORDING TO AL-TAKI, THE SYRIANS ARE PLEASED WITH THE WAY
THINGS ARE GOING WITH THE SAUDIS WHO HAVE APPARENTLY DECIDED

TO "MOVE ON" AND NOT LET THEIR RELATIONS WITH SYRIA BE DEFINED COMPLETELY BY THE HARIRI ASSASSINATION. HE ADDED THAT THE SAUDIS HAVE INDICATED ACCEPTANCE OF THE IDEA OF WORKING WITH THE SYRIANS ON A BROADER AGENDA THAT WOULD INCLUDE LEBANON AND THE PALESTINIAN ISSUE. HE ALSO NOTED THAT THE SARG IS MUCH HAPPIER WITH A UN-IMPOSED TRIBUNAL THAN WITH ONE THAT WOULD BE FORMED BY LEBANESE CONSENSUS. A CHAPTER VII DRIVEN TRIBUNAL WOULD BE VERY DIFFICULT TO IMPLEMENT IN A DIVIDED LEBANON, WHERE THE SYRIANS WOULD BE SURE TO TAKE ADVANTAGE OF THE POSSIBILITY OF TWO LEBANESE GOVERNMENTS CLAIMING LEGITIMACY AND ARGUING OVER THE FORMULATION OF THE TRIBUNAL, AL-TAKI SAID.

¶4. (C) RUMORS OF WARMING SYRIAN-SAUDI RELATIONS HAVE BEEN MAKING THE ROUNDS ON THE DIPLOMATIC CIRCUIT HERE RECENTLY, WITH ARAB DIPLOMATS IN DAMASCUS SPECULATING ABOUT AN IMMINENT VISIT TO DAMASCUS BY SAUDI FM SAUD AL-FAISAL. THE EGYPTIAN AMBASSADOR, HOWEVER, TOLD THE CHARGE THAT THE SAUDI FM WAS ONLY LIKELY TO COME TO DAMASCUS IF HE WAS SURE OF A DEAL ON LEBANON. THE EGYPTIAN ALSO SUGGESTED THAT COMMENTS MAY HAVE BEEN PASSED "ORALLY" AND IN AN "GENERAL FASHION" RATHER THAN AS EXTENSIVE WRITTEN COMMENTARY.

¶5. (C) COMMENT: EVEN THOUGH ASAD'S COMMENTS CONTRADICT TO A DEGREE AL-TAKI'S PRIVATE ASSERTIONS, THEY ARE IN LINE WITH PAST SARG PUBLIC DENIALS OF ANY CONCESSIONS ON THE VERY SENSITIVE POLITICAL ISSUE OF THE TRIBUNAL. ASAD'S CAREFULLY COUCHED DENIAL, WHICH COMES CLOSE TO AN ADMISSION, SEEMS DESIGNED TO FUDGE THE ISSUE FOR THE SYRIAN PUBLIC, WHILE NOT SAYING ANYTHING THAT MIGHT RE-ANGER THE SAUDIS. THE TEST FOR THE VALIDITY OF AL-TAKI'S MORE CATEGORICAL ASSERTIONS WILL BE FOUND IF THE SAUDI FM COMES TO DAMASCUS. WE HAVE NO INDICATIONS THAT MATTERS HAVE PROGRESSED ENOUGH FOR THE SAUDIS TO COME.
CORBIN